



Entered on Docket
June 23, 2010

Hon. Linda B. Riegle
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,¹

Debtors.

Case No.: 09-14814-LBR
(Jointly Administered)

Chapter 11

Affects:

☐ All Debtors
☒ Affects the following Debtor(s)
RHODES DESIGN AND DEVELOPMENT
CORPORATION

Hearing Date: June 21, 2010
Hearing Time: 9:30 a.m.
Courtroom 1

**ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY FILED
BY X-IT 215, LLC [DOCKET NO. 1106]**

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20 LLC (Case No. 09-14848); Tuscany Acquisitions IV LLC (Case No. 09-14849); Tuscany Acquisitions III LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf and Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, LLC (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

1 Upon consideration of the *Motion for Relief from the Automatic Stay* [Docket Number
2 1106] (the “Motion”) filed by X-IT at 215, LLC (the “Movant”)² and good cause appearing, it is
3 hereby ORDERED

4 1. The Motion is granted as set forth in the attached Stipulation of the parties.

5 2. The Movant is authorized to litigate its claims (the “Claims”) against Rhodes Design
6 and Development Corporation pursuant to Article VII.E.2 of the Plan of Reorganization [Docket
7 No. 1053] (the “Plan”) notwithstanding the injunction under the Plan for the limited purpose of
8 pursuing payment of their Claims from applicable insurance policies.

9 3. There shall be a full reservation of rights for Rhodes Design and Development
10 Corporation’s insurers with respect to the relevant insurance policies and to defend the Claims on
11 the merits.

12 4. Any and all portions of the Movant’s Claims, whether prepetition or postpetition
13 claims or causes of action, that are not fully satisfied by the available insurance policies of
14 Rhodes Design and Development Corporation are forever waived and discharged as against
15 Rhodes Design and Development Corporation, even if the Movant is unable to obtain any
16 recovery from any insurance policies.

17 5. As provided in Article VII.E.2 of the Plan, the Reorganized Debtors shall have no
18 obligation to pay any amounts in respect of deductibles or self insured retention amounts under
19 applicable insurance policies.

20 6. The Bankruptcy Court retains jurisdiction to resolve any dispute arising from the
21 interpretation or enforcement of this Order.

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² All defined terms not defined herein shall have the same meaning as in the Motion.

1 SUBMITTED BY:

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3 DATED this 17th day of June 2010.

DATED this 17th day of June 2010.

4 By: : /s/ Damon Dias
5 DIAS LAW GROUP, LTD.
6 Damon K. Dias, Esq. (NV Bar No. 8999)
601 S. 6th Street
7 Las Vegas, Nevada 89101
Telephone: (702) 380-3011
8 Facsimile: (702) 366-1592
Counsel for X-IT at 215, LLC

By: /s/ Zachariah Larson
LARSON & STEPHENS
Zachariah Larson, Esq. (NV Bar No 7787)
Kyle O. Stephens, Esq. (NV Bar No. 7928)
810 S. Casino Center Blvd., Ste. 104
Las Vegas, NV 89101
(702) 382-1170 (Telephone)
(702) 382-1169 (Facsimile)
zlarson@lslawnv.com
Counsel for Reorganized Debtors

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

LR 9021 Certification

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☒ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below: Damon Dias, Counsel for Movants – approved the order.

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

Submitted by:

DATED this 21st day of June 2010.

By: /s/ Zachariah Larson
LARSON & STEPHENS
Zachariah Larson, Esq. (NV Bar No 7787)
Kyle O. Stephens, Esq. (NV Bar No. 7928)
810 S. Casino Center Blvd., Ste. 104
Las Vegas, NV 89101
(702) 382-1170 (Telephone)
(702) 382-1169 (Facsimile)
zlarson@lslawnv.com
COUNSEL FOR REORGANIZED DEBTORS